

BEFORE THE ARIZONA OFFICE OF PEST MANAGEMENT

In the Matter of:

**PRECISE TERMITE CONTROL**, holder of  
Business License **No. 8781**, for Performing  
the Business of Structural Pest Control in the  
State of Arizona,  
  
Respondent.

Case No.: 100265

**CONSENT AGREEMENT**  
**AND**  
**ORDER**

The Acting Director of the Arizona Office of Pest Management ("OPM") considered the above matter and offers Respondents this Consent Agreement.

This complaint, stemming from an expired insurance certificate contains allegations that Precise Termite Control failed to provide proof of financial responsibility and as required by A.R.S. § 32-2321 (B)(12), failed to maintain insurance as required by A.A.C. R4-29-605 (A)(1), and failed to comply with a Corrective Work Order as required by A.R.S. § 32-2321 (C)(2).

**CONSENT AGREEMENT**

**RECITALS**

In the interest of a prompt and judicious resolution of this matter, consistent with the public interest, statutory requirements and responsibilities of the Office Of Pest Management (OPM), and under A.R.S. §§ 32-2301, et seq., and 41-1092.07(F)(5), **PRECISE TERMITE CONTROL**, ("Precise" or "Respondent"), holder of Business License **No. 8781**, for performing pest management services in the State of Arizona, and the OPM enter into the following Recitals, Findings of Fact, Conclusions of Law and Order ("Consent Agreement") as the final disposition of this matter.

1        1. The Respondent has read and understands this Consent Agreement as set forth  
2 herein, and has been provided the opportunity to discuss this Consent Agreement with an  
3 attorney. The Respondent voluntarily enters into this Consent Agreement for the purpose of  
4 avoiding the expense and uncertainty of an administrative hearing.

5        2. The Respondent understands that they have a right to a public administrative  
6 hearing concerning the above-captioned matter, at which administrative hearing they could  
7 present evidence and cross-examine witnesses. By entering into this Consent Agreement, the  
8 Respondent knowingly and voluntarily relinquish all rights to such an administrative hearing,  
9 as well as all rights of rehearing, review, reconsideration, appeal, judicial review or any other  
10 administrative or judicial action, concerning the matters set forth herein. The Respondent  
11 affirmatively agrees that this Consent Agreement shall be irrevocable.

12        3. The Respondent understands that this Consent Agreement or any part of the  
13 Agreement may be considered in any future disciplinary action by the OPM against them.

14        4. The Respondent understands this Consent Agreement concerns OPM **Complaint**  
15 **No. 100265**, which contains grounds to discipline Respondent's license.

16        5. All admissions made by the Respondent in this Consent Agreement are made  
17 solely for the final disposition of this matter, and any related administrative procedures  
18 involving the OPM and the Respondent. Therefore, any admissions made by the Respondent  
19 in this Consent Agreement are not intended for any other use.

20        6. The Respondent acknowledges and agrees that upon signing this Consent  
21 Agreement and returning this document to the OPM, the Respondent may not revoke their  
22 acceptance of this Consent Agreement or make any modifications to the document. Any  
23  
24  
25

1 modification to this original document is ineffective and void unless mutually approved by the  
2 parties in writing.

3 7. The Respondent understands that the foregoing Consent Agreement shall not  
4 become effective unless and until adopted by the OPM and signed by its Acting Director or  
5 designee. This Consent is effective the date signed by the Acting Director or designee.

6 8. The Respondent understands and agrees that if the OPM does not adopt this  
7 Consent Agreement, they will not assert as a defense that the Acting Director's consideration  
8 of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

9 9. The Respondent understands that this Consent Agreement is a public record that  
10 may be publicly disseminated as a formal action of the OPM.

11 10. The Respondent understands that any violation of this Consent Agreement  
12 constitutes grounds for disciplinary action under A.R.S. § 32-2321(B) and may result in  
13 disciplinary action under A.R.S. § 32-2321(A).

14 11. If accepting and agreeing to this Consent Agreement on behalf of a company or  
15 entity, the person signing affirms that they have the authority to enter into the Consent  
16 Agreement and bind the company to the terms and conditions of this Consent Agreement.

17  
18  
19   
20 **Precise Termite Control**  
Licensed Business

4-4-11  
\_\_\_\_\_  
Date Signed

21 **FINDINGS OF FACT**

22  
23 12. On August 30, 2010, OPM Licensing Department Staff received an Insurance  
24 Certificate Cancellation Notice for Precise.

25 13. On September 1, 2010, the OPM Licensing Staff mailed a letter to Precise  
informing the company's owner that the Insurance Certificate had expired and provided

1 notification that the company could not perform pest management services without the  
2 coverage.

3 14. On September 13, 2010, OPM Compliance/Enforcement Staff mailed a Corrective  
4 Work Order to Precise, requesting Proof of Insurance, via certified mail and regular U.S. mail.  
5 Precise failed to respond to the Corrective Work Order.

6 15. On October 14, 2010, the OPM filed a complaint against Precise. Precise indicated  
7 in their response to the complaint, his business partner resigned, and his company had not  
8 performed any pest management services.

9 16. On February 22, 2011, OPM Staff conducted a settlement conference at the office.  
10 Mr. Bell represented the business license.

#### 11 CONCLUSIONS OF LAW

12 17. The conduct and circumstances described in the Findings of Fact constitute  
13 grounds for disciplinary action against **PRECISE TERMITE CONTROL**, holder of Business  
14 License **No. 8781**, pursuant to A.R.S. § 32-2321(A) (Disciplinary action) for a violation of  
15 A.R.S. § 32-2321(B)(1)(Violating laws and rules), via: 32-2321 (B)(12) (failed to maintain  
16 insurance as required) by A.A.C. R4-29-605 (A)(1), and (failed to comply with a Corrective  
17 Work Order as required) by A.R.S. § 32-2321 (C)(2).

#### 18 ORDER

19 18. **THEREFORE**, based upon the above Findings of Fact and Conclusions of Law:


20 19. **IT IS ORDERED** that **PRECISE TERMITE CONTROL**, holder of Business License  
21 **No. 8781**, be issued an **ADMINISTRATIVE WARNING (Effective as of the date of the**  
22 **Order).**  
23  
24  
25

Entered this 11<sup>th</sup> day of April 2011.



[SEAL]

ARIZONA OFFICE OF PEST MANAGEMENT

  
Ellis M. Jones, Acting Director

**Original "Consent Agreement and Order"**

filed this 11<sup>th</sup> day of April  
2011, with the:

OPM  
9535 E. Doubletree Ranch Road  
Scottsdale, AZ 85258

Copies of the foregoing mailed  
via certified and regular U.S. Mail  
this 11<sup>th</sup> day of April  
2011, to:

**PRECISE TERMITE CONTROL**  
**ATTN: MR. RICHARD BELL**

[REDACTED]

**CERTIFIED MAIL: 7004 2510 0006** [REDACTED]

Prepared By:  FOLL  
Kellie Smith, Inspector  
Compliance/Enforcement Division